Office of the Commissioner of Official Languages | Commissariat aux langues officielles

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FOR IMMEDIATE RELEASE

Ten years ago, the *Mahé et al.* decision of the Supreme Court of Canada transformed education in the official language minority communities

Ten years already! The Office of the Commissioner of Official Languages and the Association Bugnet, which brought the rights of Francophones before the courts of Alberta and the Supreme Court of Canada, are celebrating the tenth anniversary of the *Mahé* decision. On March 15, 1990, the Supreme Court of Canada handed down a historic decision on the entitlement of the official language communities to their own school system. Specifically, this decision confirmed that the linguistic minorities have the right to their own schools and to the management of these schools in areas essential to education. The decision thereby established, on a national level, the fact that the minorities are in the best position to make the decisions that affect them.

"The *Mahé* decision literally transformed the educational landscape of the official language minority communities in Canada, and the Office of the Commissioner of Official Languages is very proud to have participated in this case," said Dr. Dyane Adam, Commissioner of Official Languages. "The two decisions subsequently handed down by the Supreme Court of Canada on the issue of minority language education have clarified certain aspects of the 1990 decision. In the *Manitoba Reference* of 1993, the Court confirmed the right to school boards and, in the case involving the parents of Summerside in January 2000, the role of the school in community development", added Dr. Adam.

Since 1990, the constitutional tree has borne much fruit. Angéline Martel, a professor at the Télé université and co-appellant in the *Mahé* case, agrees that important progress has been made: "Since 1990, nearly all of the provinces and territories have institutionalized a school governance structure for the French-speaking minorities (provincial or regional school board) and the confirmation of their rights has given new assurance to the French-speaking communities."

In Alberta, the province where the *Mahé* case originated and set a national precedent, the number of French schools has considerably increased. Paul Dubé, a professor at the University of Alberta and co-appellant in the *Mahé* case, emphasizes its scope: "Thanks to the cases we brought before the courts and the founding of a school by the Association Bugnet, the Franco-Albertan community is now more militant and more confident of its rights. It demands them. I would say that, otherwise, it would have taken much longer to establish French schools. Today, we can point to 17 French schools, whereas in 1983, only l'École Bugnet stood as the forerunner. We also have three regional school boards. And progress continues to be made."

Much remains to be done before the aim of section 23, which is to "preserve and promote minority language and culture throughout Canada," is fully achieved. According to studies by Angéline Martel, around half of the children of parents entitled to rights under section 23 are currently attending French schools in Canada, outside Quebec. Many communities are still calling for the establishment of a French school.

On the occasion of this tenth anniversary of the *Mahé* decision, the Association Bugnet and the Commissioner of Official Languages wish to highlight the contribution of the many persons and organizations who are working to make education in the language of the minority a reality in Canada.

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The Association Bugnet, consisting of parents, brought the rights of Francophones before the courts of Alberta and the Supreme Court of Canada. It also founded the first French school under section 23 in Alberta. Today, it is continuing its efforts through consultation, participation in committees, research and publications on education in minority communities.

Please consult the Supreme Court of Canada decision: Mahé v. Alberta 1990 1 S.C.R. 342.

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